IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Examiner: Truong, Thanhnga B.
Dunstan, Robert A.	Art Unit: 2113
Application No.: 10/644,628	Confirmation No.: 7514
Filed: August 19, 2003	
For: POWER BUTTON AND DEVICE WAKE EVENT PROCESSING METHODS IN THE ABSENCE OF AC POWER	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

Dear Sir:

This is a Reply to Examiner's Answer dated April 5, 2007. Appellant respectfully replies to the Examiner's answer as follows:

(A) In response to Appellant's arguments regarding the validity of Examiner's rejection under 35 U.S.C. §112, first paragraph for lack of enablement, Examiner asserts that Applicant "forms the association of negate = suppress OR ignore" on page 15, lines 1-14 of the original specification. Examiner goes on to say "[t]his is done by the first sentence establishing the use of negating, while the second sentence describes two manner of negating, those being suppressing OR ignoring a wake event". Assuming for the sake of argument that Examiner's interpretation of the specification is accurate, this interpretation *supports* Applicant's argument. If negate was used to represent two embodiments, one where power button event signals are ignored, and another where they are suppressed, then deleting the word "ignore" from the specification does not, as Examiner contends, constitute "addition by deletion". Rather, removing the word "ignore" from the specification would, under Examiner's

interpretation, *delete* a set of embodiments disclosed in the specification. Thus, even under Examiner's interpretation, the replacement of "ignore" with "negates" in the specification does not add embodiments; rather, it eliminates them.

Furthermore, Examiner's contention that Applicant has "effectively invented the claimed invention during the prosecution by amending the specification" is for similar reasons ungrounded. Examiner seems to be arguing that Applicants have attempted to alter the meaning of the word "negating" as used in claim 1 by altering the language in the specification. However, Applicants, by removing the word "ignore" and derivatives from the specification, have only clarified what was already disclosed in the specification; that power button event signals are negated which implies action, as opposed to ignored which implies inaction. Applicants point to Figure 5 discussed at length in Applicant's Appeal Brief as evidence of this original intent. Thus, one of ordinary skill in the art reading the original disclosure including Figure 5 would have recognized that Applicants were in possession of the claimed subject matter directed towards "negating" a power button event signal.

(B) Second, Examiner maintains the argument that the device of Cooper "negates" a power button event signal as required by claim 1. In the Appeal Brief dated January 19, 2007, Applicants argue that the computer system of Cooper does not *negate* a power button event signal, but simply fails to turn on in response to one if there is no power. Examiner, however, points to the flow chart of Figure 2[1] and the pseudo-code listed in column 4 of Cooper. Specifically, Examiner asserts that the operations of the flow chart 106, 108, 110, 112, and END as well as the pseudo code indicate that actual determination steps take place and that – in particular step 112 which asks "does system have available power source?" – could not occur unless there is power to the device. Thus, Examiner argues that when there is no system power, the microcontroller power switch management device of Cooper operates nonetheless. Respectfully, Examiner misinterprets the disclosure of Cooper.

The microcontroller power switch management device of Cooper must have power to operate. Otherwise, as Examiner asserts, none of the steps in Figure 2 –

[1] Examiner actually refers to Figure 3, but Applicants believe this was in error.

including step 112 – could be performed. Thus, there are two possibilities: either the Cooper device operates, or is capable of operating, using a separate power source as the computer system or the Cooper device operates using the same power source and steps 106 through 112, indeed all functions, are not executed when there is no system power powering the device. The former possibility is not disclosed in the specification, nor is it inherent. As to the latter, if there is no system power, there would be no power button event signal to trigger the chain of events beginning with step 106 ("Is power button pressed down?") in the first place. Thus, it is far more likely that steps 106-112 do not execute in the absence of system power.

The advantage of the invention recited in claim 1 is that power button event signals are negated even when there *is* an available power source in order to conserve power in an AC outage condition. Such is simply not required when there is no system power in the first place, as in Cooper. The fact that the flow chart of Figure 2 and the pseudo code in column 4 of Cooper show multiple steps being executed prior to "determining" that there is no system power indicates that Figure 2 imperfectly depicts the operation of the Cooper device. However, a common sense reading of Cooper leads to no other conclusion. Therefore, Examiner has misinterpreted Cooper. Cooper does not disclose "negating a power button event signal if the state signal signals the apparatus is in the AC failure state" as required by claim 1.

Conclusion

As Applicant has set forth in the appeal brief, the rejections are in error. Accordingly, Applicant respectfully requests that the Board reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 05/04/2007

/Richard B. Leggett/
Richard B. Leggett, Reg. No. 59485

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981